

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6544

54th Legislature
1996 Regular Session

Passed by the Senate March 4, 1996
YEAS 43 NAYS 0

President of the Senate

Passed by the House February 29, 1996
YEAS 90 NAYS 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6544** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 6544

AS AMENDED BY THE HOUSE

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

By Senators Smith and McCaslin

Read first time 01/17/96. Referred to Committee on Labor, Commerce & Trade.

1 AN ACT Relating to bail bond agency branch offices; amending RCW
2 18.185.010 and 18.185.100; and adding new sections to chapter 18.185
3 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 18.185.010 and 1993 c 260 s 2 are each amended to read
6 as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (1) "Department" means the department of licensing.

10 (2) "Director" means the director of licensing.

11 (3) "Collateral or security" means property of any kind given as
12 security to obtain a bail bond.

13 (4) "Bail bond agency" means a business that sells and issues
14 corporate surety bail bonds or that provides security in the form of
15 personal or real property to insure the appearance of a criminal
16 defendant before the courts of this state or the United States.

17 (5) "Qualified agent" means an owner, sole proprietor, partner,
18 manager, officer, or chief operating officer of a corporation who meets

1 the requirements set forth in this chapter for obtaining a bail bond
2 agency license.

3 (6) "Bail bond agent" means a person who is employed by a bail bond
4 agency and engages in the sale or issuance of bail bonds, but does not
5 mean a clerical, secretarial, or other support person who does not
6 participate in the sale or issuance of bail bonds.

7 (7) "Licensee" means a bail bond agency or a bail bond agent or
8 both.

9 (8) "Branch office" means any office physically separated from the
10 principal place of business of the licensee from which the licensee or
11 an employee or agents conduct any activity meeting the criteria of bail
12 bond agency.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.185 RCW
14 to read as follows:

15 A branch office may not operate under a business name other than
16 the name of the principal bail bond agency and must have a qualified
17 bail bond agent as manager of the office. The qualified agent shall
18 comply with the provisions of RCW 18.185.100.

19 **Sec. 3.** RCW 18.185.100 and 1993 c 260 s 11 are each amended to
20 read as follows:

21 (1) Every qualified agent shall keep adequate records for three
22 years of all collateral and security received, all trust accounts
23 required by this section, and all bail bond transactions handled by the
24 bail bond agency, as specified by rule. The records shall be open to
25 inspection without notice by the director or authorized representatives
26 of the director.

27 (2) Every qualified agent who receives collateral or security is a
28 fiduciary of the property and shall keep adequate records for three
29 years of the receipt, safekeeping, and disposition of the collateral or
30 security. Every qualified agent shall maintain a trust account in a
31 federally insured financial institution located in this state. All
32 moneys, including cash, checks, money orders, wire transfers, and
33 credit card sales drafts, received as collateral or security or
34 otherwise held for a bail bond agency's client shall be deposited in
35 the trust account not later than the third banking day following
36 receipt of the funds or money. A qualified agent shall not in any way
37 encumber the corpus of the trust account or commingle any other moneys

1 with moneys properly maintained in the trust account. Each qualified
2 agent required to maintain a trust account shall report annually under
3 oath to the director the account number and balance of the trust
4 account, and the name and address of the institution that holds the
5 trust account, and shall report to the director within ten business
6 days whenever the trust account is changed or relocated or a new trust
7 account is opened.

8 (3) Whenever a bail bond is exonerated by the court, the ((~~bail~~
9 ~~bond agency~~)) qualified agent shall, within five business days after
10 written notification of exoneration and upon written demand, return all
11 collateral or security to the person entitled thereto.

12 NEW SECTION. Sec. 4. A new section is added to chapter 18.185 RCW
13 to read as follows:

14 If a licensee maintains a branch office, the licensee shall not
15 operate that branch office until a branch office license has been
16 received from the director. A bail bond agency may apply to the
17 director for authority to establish one or more branch offices under
18 the same name as the main office upon the payment of a fee as
19 prescribed by the director by rule. The director shall issue a
20 separate license for each branch office showing the location of each
21 branch which shall be prominently displayed in the office for which it
22 is issued. A corporation, partnership, or sole proprietorship shall
23 not establish more than one principal office within this state.

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